

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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Office: (317) 232-2701
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IN THE MATTER OF THE PETITION)
OF BITWISE COMMUNICATIONS,)
INC. FOR A CERTIFICATE OF)
TERRITORIAL AUTHORITY TO)
PROVIDE FACILITIES-BASED AND)
RESOLD INTEREXCHANGE,)
SWITCHED AND DEDICATED)
ACCESS, AND FACILITIES-BASED)
AND RESOLD LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES)
INCLUDING CALLER ID SERVICE)
THROUGHOUT THE STATE OF)
INDIANA, AND FOR AN ORDER BY)
THE INDIANA UTILITY)
REGULATORY COMMISSION)
DECLINING TO EXERCISE ITS)
JURISDICTION PURSUANT TO IND.)
CODE SECTION 8-1-2.6 TO THE)
MAXIMUM EXTENT ALLOWED)
BY LAW)

FILED

NOV 16 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42741

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made:

On October 19, 2004, BitWise Communications, Inc. ("Petitioner" or "BitWise") filed a *Verified Petition* ("Petition") seeking a Certificate of Territorial Authority to provide certain services within the State of Indiana.

On November 10, Petitioner and the Indiana Office of Utility Consumer Counselor ("OUCC") jointly submitted a *Waiver of Prehearing Conference and Agreed Procedural Schedule* in this Cause. The Presiding Officer now finds that the following procedural schedule should become a part of the record in this proceeding:

1. **Petitioner's Prefiling Date.** The Petition, filed October 19, 2004, constitutes Petitioner's case-in-chief. Copies of same have been served upon all parties of record.

2. **Public's and Intervenors' Prefiling Date.** Public and all Intervenors should prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before November 26, 2004. Copies of same should be served upon all parties of

record. In the event the Public does not intend to file testimony, the Public shall file such notice with the Commission on or before November 26, 2004.

3. **Petitioner's Rebuttal Prefiling.** Should the Public prefile any evidence in opposition to Petitioner's requested relief, Petitioner should prefile any rebuttal testimony and exhibits on or before December 1, 2004.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled the cases-in-chief of the Petitioner, Public and any Intervenors should be presented in an evidentiary hearing to commence at 1:30 p.m. on December 2, 2004, in Room E306 of the Indiana Government Center South, Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Petitioner should present any prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenors' witnesses. If the parties reach settlement, the agreement should be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.


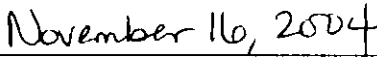
5. **Discovery.** Discovery is available for all parties and should be conducted on an informal basis. Any response or objection to a discovery request should be made within ten (10) calendar days of service of such request.

6. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should concurrently file copies of the work papers used to produce that evidence. Copies of same should also be provided to any other party requesting such in writing. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

7. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission **an original and four (4) copies** of all prefiled testimony and exhibits. Any corrections to prefiled testimony should be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

8. **Intervenors.** Any party permitted to become an Intervenor in this Cause should be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.

IT IS SO ORDERED.


Andrea L. Brandes, Administrative Law Judge

Date